

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

107533768

JC17 Rec'd PCT/PTO 04 MAY 2005

Applicant: Chiarelli, et al.
Serial No.: Not Yet Assigned
Filed: Herewith
For: CONTROLLED AND CONTINUED DELIVERY OF
RIFAXIMIN AND/OR OTHER SUBSTANCES
Art Unit: Not Yet Assigned
Examiner: Not Yet Assigned
Confirmation No.: Not Yet Assigned
Customer No.: 27623
Attorney Docket No.: 0002263USU/3061

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: DO/EO/US

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with applicants' duty of disclosure under 37 C.F.R. §1.56, please find attached hereto form PTO-1449 listing information which may be material to the patentability of this application, filed concurrently herewith. This Information Disclosure Statement is being filed:

____ Within three (3) months of the filing date of the national application;

XXX Within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;

____ Before the mailing date of a first Office Action on the merits;

____ After the filing date or date of first Office Action, but before the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);

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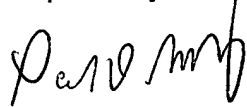
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- _____ After the filing date or date of first Office Action, but before the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to the final action and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);
- _____ After the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by a certification as specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p); and
- _____ After the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to or subsequent to the payment of the Issue Fee and provided that this I.D.S. is accompanied by a certification as specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p).
- _____ Filing with RCE Under 37 CFR 1.114, thus no fee is required.

Also enclosed are copies of European Patent No. 0 547 294; French Patent No. 6 300 as well as PCT Publication Nos. WO 96/40086 and WO 99/15210. Also enclosed is an article titled "Antimicrobial Activity and Spectrum of Rifaximin, a New Topical Rifamycin Derivative".

It should be understood that attention has been called to the references that have been deemed to be pertinent to the claimed present invention. In concluding what was pertinent, the criteria employed was considered most appropriate in light of the invention shown in the present application. However, the Examiner or others may deem some other criteria to be just as appropriate or more appropriate. Therefore, the Examiner is respectfully urged to review the listed references and to make the usual careful independent search for other prior art that may be pertinent.

Respectfully submitted,



May 4, 2005

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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.